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I. LAND AND PEOPLE

A. Description of the territory

1. With a surface area of 8,511,966.3 km^2, Brazil is the fifth largest country in the world. Brazil is located in the central-eastern part of South America, occupying almost half of its entire extension (48.36 per cent); in world terms, it covers 5.89 per cent of the earth's emerged area.

2. Distances inside the Brazilian territory are great, both north-south and east-west. It is 4,394 km from its northernmost point, at the border with Venezuela, to its southernmost point, at the border with Uruguay, and 4,328 km from its easternmost point to the westernmost point. Brazil covers four time zones, three in its continental area and one in the oceanic islands.

3. Its national borders run through 23,127 km of borders: 15,719 km on land and a 7,408-km shoreline along the Atlantic Ocean. Only two countries in South America do not share borders with Brazil: Ecuador and Chile.

4. Most of the Brazilian territory is located between the Tropics of Cancer and Capricorn. The prevailing climate is tropical and semitropical.

B. Demographic profile

5. According to preliminary data raised in the national census of 1991, the Brazilian population is 146.1 million, of which 72.2 million are men and 73.9 million women. The urban population rate in 1990 was estimated at 72.6 per cent and it is expected to reach 76.4 per cent by the year 2000. The population growth rate in the 1980s was 1.89 per cent. Fertility rates have been progressively dropping: from 4.38 per cent in 1970 to 2.91 per cent in 1990, and they are expected to drop to 2.51 per cent by the year 2000. The age pyramid in 1989 indicates that the population is rather young: 45 per cent of the population are in the 0-19 age group. Nevertheless, the population is growing progressively old, due to a rise in life expectancy: from 61.4 years (urban population) and 63.8 (rural population) in the 1980-1985 period to 64 years (urban population) and 67.5 years (rural population) expected for the 1990-1995 period.

6. The ethnic composition of the Brazilian population is as follows: 55 per cent white, 38 per cent people of mixed parentage, 6 per cent black and 1 per cent people of other ethnic groups. The Indian population, not having suffered acculturation, is about 250,000, split up into 200 different groups (65 per cent of the Indian population live in the Amazon region). Portuguese is the language spoken in Brazil. Roman Catholicism is the prevailing religion (90 per cent claim to be Catholics), but there is a great diversity of religious cults. Protestantism and Afro-Brazilian cults have an important presence. There is total separation between Church and State, and the Constitution guarantees complete religious freedom.

7. In 1989, the illiteracy rate of the population over 15 was 17.7 per cent on the average. In urban zones, in 1990, 75 million persons were not served by sewage systems (71 per cent); 13 million (12.3 per cent) had no access to drinking water systems; 34 million (32.2 per cent) were not served by garbage

collection systems; and 45 million (42.6 per cent) were not served by rain water drainage systems. In the rural area, the situation was even more difficult: 17 million (44.4 per cent) had no access to safe water sources, and 25 million (65 per cent) were not served by sewage systems.

C. Economic profile

8. In the 1980s, the Brazilian economy was mainly marked by stagnation, persistent inflation, income and assets concentration, and high surpluses in the balance of trade which were channelled to service the foreign debt. In the 1980-1991 period, Brazil became a large exporter of capital. Since 1991, there have been signs of improvement in the Brazilian economy, in spite of persistent inflation rates (a total of 1,119 per cent in 1992; 2.477 per cent in 1993). Foreign investment in Brazil has been increasing since 1990 at rates of around 4 per cent a year (3.9 per cent in 1991; 3.6 per cent in 1992 and 4.3 per cent in 1993). In July 1994, the Government launched a stabilization programme aimed at curbing inflation. A new currency (the real) was introduced and inflation rates since then have fallen drastically.

9. Brazil's GDP (gross domestic product) amounts to 37.6 per cent of Latin America's total GDP. From 1950 to 1980 the growth rate of the per capita GDP rose 4.2 per cent. Although the real growth rate of the Brazilian GDP decreased between 1980 and 1992, in 1993 there was an increase of 4.5 per cent. In 1992, GDP was US$ 424.8 billion. In 1993, Brazilian international reserves (net concept) amounted to US$ 32.211 billion.

10. In 1990, the economically active population was 43 per cent of the total population. Due to the economy's slow growth rate, unemployment increased in 1991 and 1992, but decreased in 1993 (4.5 per cent). In 1991, 48 per cent of the labour force was engaged in the economy's informal sector. Sustained economic growth still depends on the modernization of the productive system, on substantial private investment in technology, on public investment in infrastructure and on continued decrease of inflation rates.

11. Brazil is an exporting country and although surpluses in the balance of trade are frequent (US$ 15.7 billion FOB in 1992, US$ 13 billion in 1993), they have been channelled to feed the country's reserves as well as to service the foreign debt. Total exports in 1993 were US$ 38.7 billion. Prospects for 1994 exports total US$ 43,310 billion (12 per cent increase). Imports have also increased since 1992 (US$ 20.6 billion in 1992, US$ 25.7 in 1993) and will probably reach US$ 30.1 billion in 1994 (17.5 per cent increase in relation to 1993).

12. With its US$ 2,935 per capita GDP (1992), Brazil is among the countries the World Bank classifies as belonging in the medium to high income category; however, such aggregate data must be viewed in the light of the national income distribution, which is unequal. The poorest 50 per cent of the population earn 11.2 per cent of the total income, whereas the wealthiest 10 per cent get 49.7 per cent of it (1990 data). According to 1992 data, 24.2 per cent of the population earn the minimum wage, and 8.4 per cent have no income at all. The average value of the minimum wage has been floating around US$ 70.00 a month.

D. Social indicators

13. Social indicators illustrate the country's unequal income distribution. The economic stagnation of the 1980s and inflation have led to a decrease in the real value of wages; in the 1990-1992 period, salaries lost to 30.67 per cent of their value. The real value of wages has not been keeping up with the increases observed in food prices. According to data provided by the Ministry of Social Action, 67 per cent of all Brazilians do not reach the minimum consumption levels recommended by FAO/WHO. The illiteracy rate has been falling: from 25.5 per cent in 1980 it decreased to 18 per cent in 1992, but it is still high. The child mortality rate is 64 deaths per 1,000 children born alive.

II. GENERAL POLITICAL STRUCTURE

A. Political history

14. The Portuguese arrived in the territory which later became known as Brazil in 1500, finding in place a non-sedentary indigenous population. This indigenous population has been decimated for centuries by epidemics and diseases caught from the white men, and today there remain in Brazil some 250,000 Indians. Brazilian colonial history is characterized by economic cycles of export of brazilwood (early sixteenth century), sugar cane (sixteenth and seventeenth centuries), and gold and diamonds (eighteenth century), which made intense use of African slave labour, brought over by the Portuguese. The presence of black slaves in the country and the racial miscegenation that followed (not only between whites and blacks, but also between whites and Indians) were factors that determined the ethnical, cultural and social profile of Brazil. Slavery was abolished in 1888.

15. After its independence, in 1822, during the imperial regime, Brazil preserved special bonds with Portugal (the two emperors were members of the Portuguese royal family). The imperial period ended in 1889, when the republic was proclaimed. That was when the federative and decentralized system was adopted, inspired by the Constitution of the United States.

16. Beginning in 1930, the republic went through a period of institutional disturbances which led to modernizing political, economic and social reforms. In 1937, President Getúlio Vargas, one of the leaders of the process of changes in the country's framework, sanctioned a Constitution of a rather dictatorial nature and, carrying on with his reform programme, ruled as a dictator until he was overthrown in 1945. A troubled period followed, but one in which constitutional solutions prevailed, until Juscelino Kubitschek and his successor, Jânio Quadros, were elected. After the latter resigned in his first year in power, in 1961, the country plunged into crises which led to a military coup in 1964.

17. The military regime abolished constitutional guarantees, restricted civil and political rights, and asphyxiated the opposition. Initially, the military governments produced positive economic results, partly at the expense of heavy foreign indebtedness, but in the 1980s, pressing political problems were enhanced by remarkable economic difficulties derived from the debt crisis (high inflation rates, a drop in economic growth, and loss of competitiveness

of the Brazilian economy). The end of the military regime was marked, in 1985, by a popular campaign for direct elections for the presidency of the republic, although elections were only actually held in 1989, after a period of transition during which a civil government was in power. In February 1987, a National Constituent Assembly was established to draft a new constitution based on democratic principles and aimed at ensuring individual and collective rights and guarantees. In 1989, the redemocratization process culminated in the election of the President of the Republic, Fernando Collor, through universal suffrage.

18. After a long impeachment process, President Fernando Collor was legally ousted from office in September 1992, on charges of corruption. As prescribed by the Constitution, the Vice-President, Itamar Franco, took over the presidency of the country. The impeachment process of the President took place with the intense participation of the people, and it took place strictly under constitutional norms.

B. Political-administrative organization

1. Organization of the State

19. Brazil is a federative republic. The Union comprises 26 States, one Federal District (where the capital is located) and 4,491 municipalities. The regime is presidentialist. The Executive, Legislative and Judicial branches of government are independent and harmonious in their mutual relations.

20. The jurisdictions of the Union, the States, the Federal District and the municipalities are provided for in detail in the Federal Constitution.

2. The Executive branch

21. The Executive branch is made up of the President of the Republic and his ministers of State, whom he appoints. The term of office of the President of the Republic is five years, and he cannot be re-elected for an additional term. The competence of the President of the Republic is provided for in detail in the Constitution. Two bodies are directly linked to the President of the Republic for consultations: the Council of the Republic, which issues opinions on federal interventions, state of defence and state of siege, and on matters related to the stability of the democratic institutions; and the National Defence Council, which deals with matters related to the national sovereignty and defence of the democratic State.

22. Brazilian law defines as "responsibility crime" those acts committed by the President "which attempt against the Federal Constitution, and particularly against: the independent functions of the Legislative and Judicial branches, of the Public Ministry, and of the constitutional powers of the units of the federation; political, individual, and social rights; probity in his administration; compliance with the law and with judicial decisions". If an accusation against the President is accepted, he is judged before the Federal Senate for responsibility crimes or before the Supreme Federal Court for ordinary criminal offences.

23. Ministers of State can be summoned by the Chamber of Deputies or the Federal Senate to provide information on matters of interest to them. If they fail to comply with summons of this nature, they can be considered guilty of responsibility crime.

3. The Legislative branch

24. Legislative power is exerted by the National Congress, which is made up of an upper house, the Federal Senate, and a lower house, the Chamber of Deputies. Senators' term of office is eight years, and that of deputies is four. Deputies and senators are endowed with parliamentary immunity and cannot be charged for their opinions, words and votes. It is up to the National Congress to provide for all matters within the jurisdiction of the Union, with the sanction of the President of the Republic. Among others, the following matters are within the exclusive competence of the National Congress: to issue decisions on treaties, agreements, or international acts which imply burdens or onerous commitments to the national patrimony; to authorize the President to declare war or celebrate peace; to approve the establishment of a "state of defence" and federal interventions; to authorize the establishment of a state of siege, or to suspend any of these measures; to halt acts of the Executive branch which exceed its regular competence or the limits of its legislative delegation; to judge the President's rendering of accounts; to inspect and control acts of the Executive branch; to preserve its legislative jurisdiction vis-à-vis the normative prerogatives of the other branches.

4. The Judicial branch

25. The organs of the Judicial branch are the following: the Supreme Federal Court, the Supreme Court of the State, the regional federal courts and federal judges; the labour courts and judges; the electoral courts and judges; the military courts and judges; the state and federal district courts and judges. The Supreme Federal Court and the higher courts have their headquarters in the Federal Capital and their jurisdiction covers all the national territory.

26. By a majority vote of their members, the courts can declare a law or normative act issued by the Public Power unconstitutional.

27. It is up to the Supreme Federal Court to safeguard the Constitution and it has original jurisdiction to adjudicate cases concerning the unconstitutionality of laws or federal or state normative acts; lawsuits and conflicts between the Union and the States, the Union and the Federal District, or between any of them; extraditions requested by foreign States; jurisdictional conflicts between the Supreme Court of the State and any other courts, between high courts, or between these and any other court; requests for writs of prevention connected with direct unconstitutionality suits.

28. The Supreme Federal Court is made up of 11 ministers appointed by the President of the Republic, after approval by an absolute majority of the Federal Senate.

29. Among other functions, the Supreme Court of the State has original jurisdiction to adjudicate jurisdictional conflicts between any courts (except for matters within the competence of the Supreme Federal Court), and jurisdictional conflicts between administrative and judicial authorities of the Union, or between judicial authorities of one State and administrative authorities of another.

30. Regional federal courts have original jurisdiction to adjudicate criminal reviews and rescissory actions brought by parties tried before them and by federal judges of the region, and to act as the appeal court in matters decided upon by federal judges and state judges in the exercise of the federal competence within their jurisdiction area. It is up to the federal judges to adjudicate disputes related to Indian rights.

31. Labour courts conciliate and adjudicate individual and collective labour disputes between employees and employers, including disputes in the public administration.

32. Military courts adjudicate military crimes provided for in the law. The High Military Court is made up of 15 ministers appointed for life by the President of the Republic, after approval by the Federal Senate; 5 of the 15 ministers are civil ministers.

33. States of the Federation organize their own courts, and the constitution of each state defines the jurisdiction of the state courts.

34. Judges are appointed for life. They are irremovable and their salaries cannot be reduced for any reason.

35. The Constitution provides that the figure of the lawyer is indispensable to the administration of justice and he or she is inviolable for acts or views expressed in the performance of his or her professional functions.

36. According to the Constitution, the Public Defence Department is an institution that is essential to the jurisdictional function, and its task is to provide legal guidance and defend, on all levels, those who need legal assistance.

5. The Public Ministry

37. Sometimes labelled "the fourth branch", the Public Ministry is an institution to be found only in Latin America. The Public Ministry is permanent and essential to the jurisdictional function of the State. Although it does not belong to the Judicial branch, it is responsible for the defence of the juridical order, the democratic regime, and the social and individual indisputable rights and interests. Public Ministry activities may only be exerted by career officials having undergone a public examination. Members of the Public Ministry hold the same guarantees as judges. As regards the principle of the relative autonomy of the states, this is respected in Public Ministry actions: besides the Federal Public Ministry, there are Public Ministries for each state of the Federation.

38. Among the main institutional functions of the Public Ministry are the bringing of public penal actions, civil lawsuits and public civil actions for the protection of the social and public patrimony, the environment and other collective and diffuse interests; and the juridical defence of the rights and interests of indigenous populations.

III. GENERAL LEGAL FRAMEWORK WITHIN WHICH HUMAN RIGHTS ARE PROTECTED

A. The Constitution and the legal framework

39. The Brazilian Constitution of 1988 reflects the efforts of lawmakers to consolidate and expand fundamental rights and guarantees included in its preamble (a democratic State, destined to ensure social and individual rights, liberty, security, well-being, development, equality and justice as supreme values of a fraternal and pluralistic society with no prejudice), which were confirmed in the Fundamental Principles (citizenship, dignity of the human being, prevalence of human rights, no discrimination on the basis of origin, race, sex, colour or age, granting of political asylum) and detailed in five chapters dealing with individual and collective rights and duties; social rights; nationality; political rights; and political parties.

40. The Constitution does not provide for any exceptions or derogations of fundamental rights and liberties. However, restrictions may be imposed on rights if a state of defence or state of siege is declared. The span and duration of such restrictions are provided for in the Constitution.

B. Internal mechanisms for protecting human rights

41. The Constitution provides for procedural instruments aimed at ensuring the observance of rights. Every citizen has the right to receive from public agencies information of private interest to him or her or of a collective or general interest within a period provided for in the law. Petitions may be referred to the Public Powers in defence of rights or against illegal acts or abuse of power. The law cannot exclude any harm or threat to a right from consideration by the Judicial branch. The law cannot harm acquired rights, perfect juridical acts and the res judicata. The law punishes any form of discrimination against fundamental rights and liberties. The Constitution provides for the six principal remedies for the defence of threatened rights: habeas corpus, habeas data, writ of mandamus, collective writ of mandamus, writ of injunction, popular action, and public civil action.

42. The rights and guarantees provided for in the Constitution do not exclude other rights and guarantees derived from international legal instruments to which Brazil is a party. The international legal instruments signed by Brazil must be approved by the National Congress (through a Legislative Decree) and sanctioned by the President of the Republic. After they are published in the Official Journal of the Union (promulgated), the sanctioned instruments become a rule of the domestic legal system and must be executed compulsorily. They can, therefore, be invoked and directly applied by the courts and competent authorities.

43. All authorities, whether judicial or administrative, and on all levels, must respect the constitutional and legal provisions related to the protection of human rights, and there is no authority with exclusive and specific jurisdiction in this area. The judicial authorities and the Public Ministry are competent to protect threatened human rights. Through actions at law, which can be brought against the Union itself, the states of the Federation, municipalities, the Federal District and any public entity, a victim of human rights violations can get legal redress.

44. Individuals who feel that their rights were harmed can resort directly to the Public Ministry on the state level (in most counties, there is a representative of the Public Ministry) or on the federal level, according to the distribution of competences. The Council for the Defence of the Rights of the Human Person (CDDPH) is another organ which individuals can directly resort to. The Council, whose members share equal powers, is made up of representatives of the federal public administration and of the civil society, presided over by the Minister of Justice. The Council receives complaints and accusations of human rights violations from the interested parties themselves or third parties, or even by the press, and proposes and recommends the adoption of corrective measures to the competent authorities. The Council is not an executive body and it has no coercive power over administrative or judicial authorities. It just requests and recommends to them the measures that need to be taken to investigate, punish and redress human rights violations. In cooperation with the Public Ministry and Government and non-governmental bodies, the CDDPH monitors how the competent authorities deal with concrete cases of human rights violations it is aware of.

45. The law which created the Council in 1964 provides that its functions are the following: "to carry out inquiries, investigations and studies on the effectiveness of the rules which regulate the rights of the human person provided for in the Federal Constitution, in the American Declaration of the Rights and Duties of Man, and in the Universal Declaration on Human Rights, and cooperate with the United Nations in all matters related to initiatives or the implementation of measures aimed at ensuring respect for human rights."

46. Indian rights are judicially defended by the Public Ministry. Complaints brought by Indians can also be referred to the General Board for the Defence of Indian Rights, a body created in August 1991 within the Public Ministry to receive, investigate, evaluate, and refer accusations of violations of the rights of Indians and of their communities to the competent authorities.

47. The collective rights of detained individuals are defended by the National Criminal and Penitentiary Policy Council, a body linked to the Ministry of Justice.

48. Courts of the states judge violations of rights as courts of first instance; thereafter, interested parties can appeal to a higher court (the Supreme Court of the state or the Court of Appeals, as appropriate). In exceptional cases, it is possible to appeal directly to the Supreme Federal Court against decisions of a higher court; however, such cases are very rare, as the Supreme Federal Court is predominantly a constitutional court.

49. Regarding the role of the police, the Federal Police and the state police (civil and military) have different jurisdictions. The Federal Police is directly subordinated to the Ministry of Justice and its functions are provided for in the Federal Constitution (art. 144): to investigate criminal infractions committed against the political and social order or against goods, services, and interests of the Union, as well as other infractions with inter-state or international repercussions requiring a uniform repressive action; to prevent and repress the drug traffic; to perform the functions of coastguard, air and border police; and to perform exclusively the functions of judicial police of the Union. The state police acts under the authority of the governors of the states of the Federation and it is made up of the civil police, which investigates crimes and criminal offences and plays the role of judicial police on a state level, and of the military police, which wears a specific uniform and is charged with preserving order (to police the streets and public locations, to repress behaviour which might disturb the security of citizens, to preserve order and repress street traffic offences). The military police are not part of the armed forces.

IV. INFORMATION AND PUBLICITY

50. All international legal instruments dealing with the protection of human rights to which Brazil is a party are translated into Portuguese and published in the Official Journal, which is distributed all over the national territory and, therefore, accessible to any person at practically no cost. Moreover, information about the internal ratification of international legal instruments is disseminated through a national radio network in a daily programme which informs the public of the activities of the Executive and the Legislative branches.

51. The texts of the Universal Declaration of Human Rights and of the main international conventions on human rights are printed and disseminated by official entities and associations of the civil society (such as academic entities, unions, the Brazilian Bar Association) and of the Catholic Church The unions and the Catholic Church disseminate the contents of these texts in the form of popular primers. In certain cases, official agencies print and distribute the texts of international conventions on human rights in cooperation with international bodies such as UNICEF.

52. The Government and the civil society have been organizing debates on international legal instruments on human rights and on Brazil's compliance with them. On the federal, state and municipal levels, the Government has been sponsoring seminars and training courses on human rights for civil servants, in some cases in cooperation with international organizations (United Nations Centre for Human Rights, UNICEF, United Nations High Commission for Refugees, International Committee of the Red Cross, Inter-American Institute for Human Rights).

53. In cooperation with other agencies of the federal administration charged with implementing the instruments, the Ministry of External Relations prepares national reports on the implementation of international legal instruments on human rights to be submitted to the agencies in charge of monitoring them. These reports are not publicly debated.

Sources

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Constitution of the Federative Republic of Brazil.

Brazilian Geography and Statistics Institute.

Ministry of Justice/Council for the Defence of the Rights of the Human Person/National Secretariat for Citizenship Rights and Justice.

Table 1

REGIONAL POPULATION AND DISTRIBUTION, 1991

Regions	Population		Area	
	(000)	%	(km2)	%
North	10 146	6.9	3 851 540.4	45.2
North-east	42 388	29.0	1 556 001.1	18.3
South-east	62 126	42.5	924 266.3	10.9
South	22 080	15.2	575 316.2	6.8
Centre-west	9 420	6.4	1 604 852.3	18.6
TOTAL	146 160	100.0	8 511 966.3	100.0

Source: PR/SAE/DME - Estimates.

Table 2

ESTIMATES OF THE ECONOMICALLY ACTIVE POPULATION AND PERSONS WITH A JOB, 1972-1990

(X 1000)

Years	Economically active population			Persons with a job		
	Total	Urban	Rural	Total	Non-agricultural	Agricultural
1972	36 956	20 672	16 284	35 825	20 199	15 626
1973	39 758	22 442	17 316	38 700	21 702	16 998
1976	39 974	24 744	15 230	39 238	24 537	14 701
1977	42 936	26 844	16 092	41 940	26 327	15 613
1978	44 412	28 584	15 829	43 364	28 647	14 718
1979	45 886	30 154	15 732	44 620	30 009	14 611
1981	48 113	32 912	15 201	46 063	31 556	14 507
1982	50 641	35 083	15 558	48 651	33 638	15 013
1983	51 874	36 093	15 781	49 353	33 729	15 624
1984	53 050	37 546	15 505	50 790	35 190	15 601
1985	55 547	39 718	15 829	53 675	38 061	15 614
1986	56 494	41 276	15 218	55 121	40 833	14 288
1987	59 104	43 402	15 702	57 024	43 082	13 942
1988	60 090	44 440	15 650	57 807	43 868	13 939
1989	61 281	45 423	15 859	59 424	45 576	13 849
1990	62 547	46 555	15 992	60 252	46 763	13 489

Sources: IBGE - Censuses of 1970, 1980 and 1991, PNAD's 1972-1990
DME/SAE - Adjustments.

Table 3

NUMBER OF PERSONS AGED OVER 10 AND VALUE OF THEIR MONTHLY INCOME, BY SEX AND CATEGORY OF MONTHLY INCOME a/

Category of monthly income	No. of persons aged over 10			Value of the average monthly income of persons aged over 10 (CF$)		
	Total	Men	Women	Total	Men	Women
Total	110 250 211	53 493 599	56 756 612	594	930	276
Up to 1/2 minimum salary	9 273 823	3 509 980	5 763 843	77	84	74
1/2-1 minimum salary	12 293 052	6 564 496	5 728 556	203	205	200
1-2 minimum salaries	15 119 754	9 356 875	5 762 879	346	348	341
2-3 minimum salaries	8 660 279	5 891 994	2 768 285	593	594	591
3-5 minimum salaries	8 388 087	6 044 666	2 343 421	956	959	949
5-10 minimum salaries	6 424 272	4 803 327	1 620 945	1 731	1 731	1 730
10-20 minimum salaries	3 457 067	2 833 014	824 053	3 308	3 311	3 297
Over 20 minimum salaries	2 221 858	1 869 183	352 675	9 833	9 900	8 221
No income	43 943 679	12 505 629	31 438 050	-	-	-
No income tax return	468 340	314 435	153 905	-	-	-

a/ Including persons whose income was only in the form of benefits.

PNAD 1989 - IGBE.